
SENATE BILL 6020

State of Washington

60th Legislature

2007 Regular Session

By Senators Fairley, Oemig and Kline

Read first time 02/14/2007. Referred to Committee on Consumer Protection & Housing.

1 AN ACT Relating to radio frequency identification notification; and
2 adding a new chapter to Title 19 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Consumer" means a person who purchases a retail product from
7 a retailer.

8 (2) "Package" means any type of container, article, or item that is
9 used to pack, contain, or hold a retail product in the form in which
10 the retail product is sold to the consumer. "Package" includes,
11 without limitation, a box, bag, bottle, can, or jar.

12 (3) "Radio frequency identification tag" means a device that (a) is
13 attached to, embedded in, or made part of a retail product or its
14 package; and (b) uses radio waves or other wireless technology to
15 transmit a unique electronic product code.

16 (4) "Retail product" means any type of product, good, or commodity
17 that is intended to be sold at retail.

18 (5) "Retailer" means a person who is engaged in the business of
19 selling retail products directly to consumers.

1 (6) "Unique electronic product code" means a number or identifier
2 that (a) uniquely identifies an individual retail product; (b) is
3 stored and transmitted electronically; and (c) is used for the control
4 and management of inventories of retail products.

5 NEW SECTION. **Sec. 2.** (1) If a person produces, manufactures,
6 packages, distributes, or sells a retail product and the person has
7 caused a radio frequency identification tag to be attached to, embedded
8 in, or made part of the retail product or its package, the person shall
9 ensure that the retail product or its package bears a label which
10 notifies consumers of the existence of the radio frequency
11 identification tag.

12 (2) If a retailer knows or reasonably should know that a retail
13 product or its package has a radio frequency identification tag, the
14 retailer shall not sell the retail product to a consumer unless the
15 retail product or its package bears the label required pursuant to this
16 section.

17 (3) The label required pursuant to this section must, at a minimum
18 (a) inform the consumer that the retail product or its package has a
19 radio frequency identification tag which can transmit unique
20 identification information before and after purchase of the retail
21 product; (b) be in a conspicuous location on the retail product or its
22 package; and (c) be printed in a size of type and in a manner that is
23 conspicuous and contrasts with the background on which the notice
24 appears.

25 NEW SECTION. **Sec. 3.** Any business that uses a radio frequency
26 identification tag shall disclose to consumers that such a device is in
27 use. The disclosure must be in a conspicuous location and be printed
28 in a size of type and in a manner that is conspicuous to the average
29 consumer.

30 NEW SECTION. **Sec. 4.** The legislature finds that the practices
31 covered by this chapter are matters vitally affecting the public
32 interest for the purpose of applying the consumer protection act,
33 chapter 19.86 RCW. A violation of this chapter is not reasonable in
34 relation to the development and preservation of business and is an

1 unfair or deceptive act in trade or commerce and an unfair method of
2 competition for purposes of applying the consumer protection act,
3 chapter 19.86 RCW.

4 NEW SECTION. **Sec. 5.** The remedies, duties, and prohibitions set
5 forth in this chapter are not exclusive and are in addition to any
6 other remedies, duties, and prohibitions provided by law.

7 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute
8 a new chapter in Title 19 RCW.

--- END ---